

IN RE: PETITION FOR ZONING VARIANCE  
SW/S Nollmeyer Road,  
1490' SE of Bayville Road  
(714 Nollmeyer Road)  
15th Election District  
5th Councilmanic District  
Walter S. Schmidt  
Petitioner

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 90-365-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit side yard setbacks of 6 feet and 2 feet for existing House Nos. 1 and 2 in lieu of the required 50 feet, and to permit an accessory structure (shed) to be located in the front yard (waterfront) in lieu of the required rear yard, all as more particularly described in Petitioner's Exhibit 1.

The Petitioner appeared and testified. There were no Protestants. Testimony indicated that the subject property, known as 714 Nollmeyer Road, consists of 0.487 acres zoned D.R. 5.5 and is improved with two dwellings and a garage as depicted in Petitioner's Exhibit 1. Said property is located within the Chesapeake Bay Critical Areas on Seneca Creek. Petitioner commenced construction of a 9' x 16' shed approximately 6 feet from the property line on the waterfront side of the subject property without permits in September, 1989. Shortly thereafter, he was advised that a variance was necessary to locate the shed in the front yard as opposed to the rear yard and that variances from current side yard setback requirements were required for the existing houses. Petitioner subsequently filed the instant Petition to rectify the situation. Petitioner testified he purchased the subject property in 1974 and that the houses exist today as they did then, with the exception of cosmetic improvements he has made since his purchase. Petitioner testified the proposed location

for the shed is the most practical as it provides convenient storage for fishing and crabbing gear, as well as lawn and garden tools.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested for the existing dwellings sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. The dwellings existed prior to the Critical Areas legislation. There is no evidence in the record that the variances for the existing homes would adversely affect the health, safety, and/or general welfare of the public.

There is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the requested variance for the proposed shed were denied. The testimony presented by Petitioners was in support of a matter of preference rather than of the necessity for the variance. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Further, the Department of Environmental Protection and Resource Management (DEPRM) has recommended against granting the variance due to noncompliance with the Chesapeake Bay Critical Areas criteria and has indicated Petitioner could bring the shed into compliance by moving it out of the buffer area or submitting a Water-Dependent Facilities plan. Therefore, the variance requested for the shed must be denied. Petitioner has failed to prove that the shed, if permitted to remain in the proposed location, complies with the requirements of Sections 307.1, 307.2 and 500.14 of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the

relief requested shall be granted in part and denied in part.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20th day of April, 1990 that the Petition for Zoning Variance to permit side yard setbacks of 6 feet and 2 feet for existing House Nos. 1 and 2 in lieu of the required 50 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) Within sixty (60) days of the date of this Order, Petitioner shall submit a revised site plan which sets forth a zoning use line for each of the dwellings on the subject property.
- 3) When applying for any building permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Zoning Variance to permit an accessory structure (shed) to be located in the front yard (waterfront) in lieu of the required rear yard, as set forth in Petitioner's Exhibit 1, be and is hereby DENIED.

IT IS FURTHER ORDERED that the subject shed shall be relocated in compliance with the zoning regulations or removed from the premises within sixty (60) days of the date of this Order.

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

PETITION FOR ZONING VARIANCE CRITICAL AREA  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-365-A

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1902.3.C.1, 400.1 To allow side yard setbacks of 6 ft. for existing house #1) & 2 ft. (for existing house #2) AND to allow an accessory structure (shed) to be located in the front yard (waterfront) in lieu of the required rear yard.

90 HAVE CLOSE ACCESS TO BOATING, FISHING, CRABING + LAWN EQUIPMENT HOUSES EXISTED PRIOR TO 1974 WHEN I PURCHASED PROPERTY

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser: \_\_\_\_\_  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_  
Attorney for Petitioner: \_\_\_\_\_  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_  
Attorney's Telephone No.: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone No.: \_\_\_\_\_

Legal Owner(s):  
WALTER S. SCHMIDT  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: 714 NOLLMEYER RD. 335-7404  
City and State: BALTIMORE, MD. 21222  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted:  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone No.: \_\_\_\_\_

ORDERED BY The Zoning Commissioner of Baltimore County, this 2nd day of February, 1990.

that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 21st day of March, 1990, at 9:30 a.m.

J. Robert Haines  
Zoning Commissioner of Baltimore County

#219  
CRITICAL AREA  
Zoning Description  
90-365-A

Beginning at a point on the Southwest side of Nollmeyer Rd at a point 1,490 ft. ± Southeast of Bayville Rd. Thence running the following courses:

South 59° 04' West 141.43 ft., thence South 30° 56' East 50 ft., thence South 59° 04' West 247.50 ft., thence East 21° 01' - 62.80 ft. thence North 51° 45' East 387.16 ft., thence North 21° 09' West 64.15 ft. to the point of beginning. Containing .487 ac. ±. Also known as No. 714 Nollmeyer Rd. in the 15th Election District.

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 15th  
Posted for: Variance  
Petitioner: Walter S. Schmidt  
Location of property: 714 Nollmeyer Rd., 1490' SE of Bayville Rd.  
Location of Sign: 714 Nollmeyer Rd., 1490' SE of Bayville Rd.  
Remarks: Property of Petitioner  
Posted by: [Signature]  
Number of Signs: 1  
Date of Posting: 7/8/90  
Date of return: 3/19/90

CERTIFICATE OF PUBLICATION  
TOWSON, MD., February 22, 1990  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Feb 22, 1990.

THE JEFFERSONIAN,  
S. Zane Olson  
Publisher

Notice of Hearing  
The Zoning Commission of Baltimore County, by authority of the Zoning Law of Baltimore County, will hold a public hearing on the Petition for Zoning Variance filed by Walter S. Schmidt, Petitioner, for a Variance from Section 1902.3.C.1, 400.1 To allow side yard setbacks of 6 ft. for existing house #1) & 2 ft. (for existing house #2) AND to allow an accessory structure (shed) to be located in the front yard (waterfront) in lieu of the required rear yard, as set forth in Petitioner's Exhibit 1, on the 21st day of March, 1990, at 9:30 a.m. in Room 106, County Office Building in Towson, Baltimore County. The hearing will be held in the presence of the Zoning Commissioner and the Petitioner. The hearing will be held in the presence of the Zoning Commissioner and the Petitioner. The hearing will be held in the presence of the Zoning Commissioner and the Petitioner.

CERTIFICATE OF PUBLICATION  
Office of  
THE AVENUE NEWS  
442 Eastern Blvd.  
Baltimore, Md. 21221  
February 22, 1990  
THIS IS TO CERTIFY, that the annexed advertisement of Walter S. Schmidt in the matter of Petition for Zoning Variance from Section 1902.3.C.1, 400.1 To allow side yard setbacks of 6 ft. for existing house #1) & 2 ft. (for existing house #2) AND to allow an accessory structure (shed) to be located in the front yard (waterfront) in lieu of the required rear yard, as set forth in Petitioner's Exhibit 1, was published in The Avenue News a weekly newspaper published in Baltimore County, Maryland once a week for 1 successive week(s) before the 23rd day of Feb. 1990, that is to say, the same was inserted in the issues of Feb. 22, 1990.

The Avenue Inc.  
per publisher  
By: [Signature]

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

Mr. Walter S. Schmidt  
714 Nollmeyer Road  
Baltimore, Maryland 21220  
Re: Petition for Zoning Variance  
CASE NUMBER: 90-365-A  
SM/S Nollmeyer Road, 1490' SE of Bayville Road  
714 Nollmeyer Road  
15th Election District - 5th Councilmanic  
Petitioner(s): Walter S. Schmidt  
HEARING: WEDNESDAY, MARCH 21, 1990 at 9:30 a.m.

Dear Mr. Schmidt:

Please be advised that \$117.96 is due for advertising and posting of the above captioned property.

receipt  
Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Account: R 001-6150  
Number: 1817  
90-365  
MPC00580  
3/21/90  
PUBLIC HEARING FEES QTY PRICE  
000 -POSTING SIGNS / ADVERTISING 1 X \$117.96  
TOTAL: \$117.96  
LAST NAME OF OWNER: SCHMIDT



Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

February 8, 1990

## NOTICE OF HEARING



Dennis F. Rasmussen  
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act a., "regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
CASE NUMBER: 90-365-A  
90/5 Nollmeyer Road, 1490' SE of Bayville Road  
714 Nollmeyer Road  
15th Election District - 9th Councilmanic  
Petitioner(s): Walter S. Schmidt  
HEARING: WEDNESDAY, MARCH 21, 1990 at 9:30 a.m.

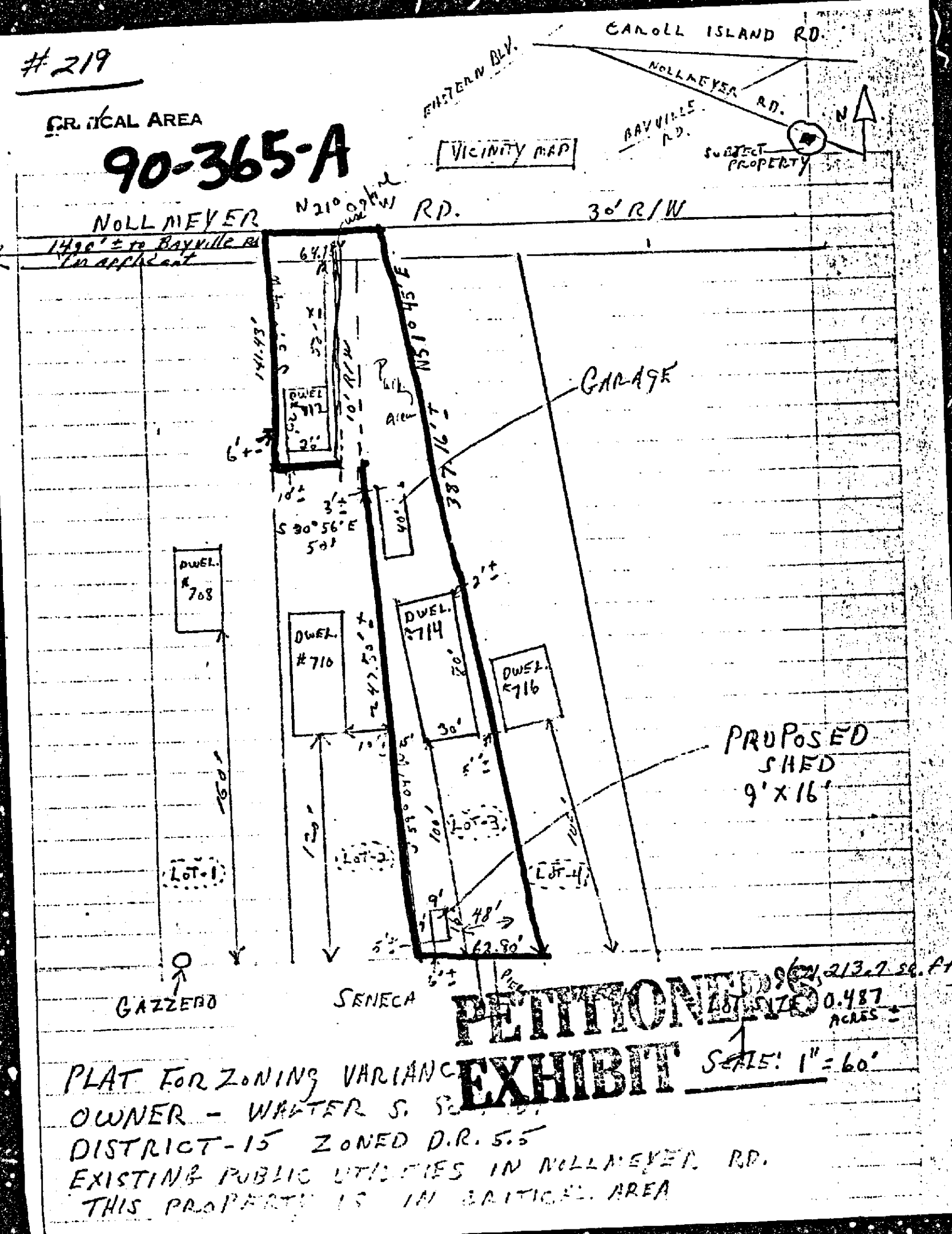
Variance to allow side yard setbacks of 8 ft. for existing house #1 and 2 ft. for existing house #2 and to allow an accessory structure (shed) to be located in the front yard (waterfront) in lieu of the required rear yard.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

JRH:js

cc: Walter S. Schmidt  
File



DP 3  
1/79

# Permit

NOTE: A SEPARATE PERMIT IS REQUIRED FOR ALL ELECTRICAL & PLUMBING WORK WHICH MUST BE DONE BY AN ELECTRICIAN OR PLUMBER LICENSED IN BALTIMORE COUNTY.

APPLICATION FOR PERMIT  
BALTIMORE COUNTY MARYLAND  
OFFICE OF THE BUILDING ENGINEER  
TOWSON, MARYLAND 21204

DATE: 15-19-071330

BUILDING ADDRESS: 714 NOLLMEYER ROAD

OWNER'S NAME: WALTER S. SCHMIDT

MAILING ADDRESS: 714 NOLLMEYER ROAD, 21220

DATE: 6-26-91

PERMIT NUMBER: 36940

DATE: 15-19-071330

OWNER: OWNER

TRANSFER DESCRIPTION: W/S NOLLMEYER ROAD

A. TYPE OF IMPROVEMENT

1. NEW BUILDING CONSTRUCTION

2. ADDITION

3. ALTERATION

4. REPAIR

5. WRECKING (ENTER NO. UNITS DEDUCTED)

6. MOVING

7. OTHER

B. OWNERSHIP

1. PRIVATELY OWNED

2. PUBLICLY OWNED

C. TYPE OF USE

1. RESIDENTIAL

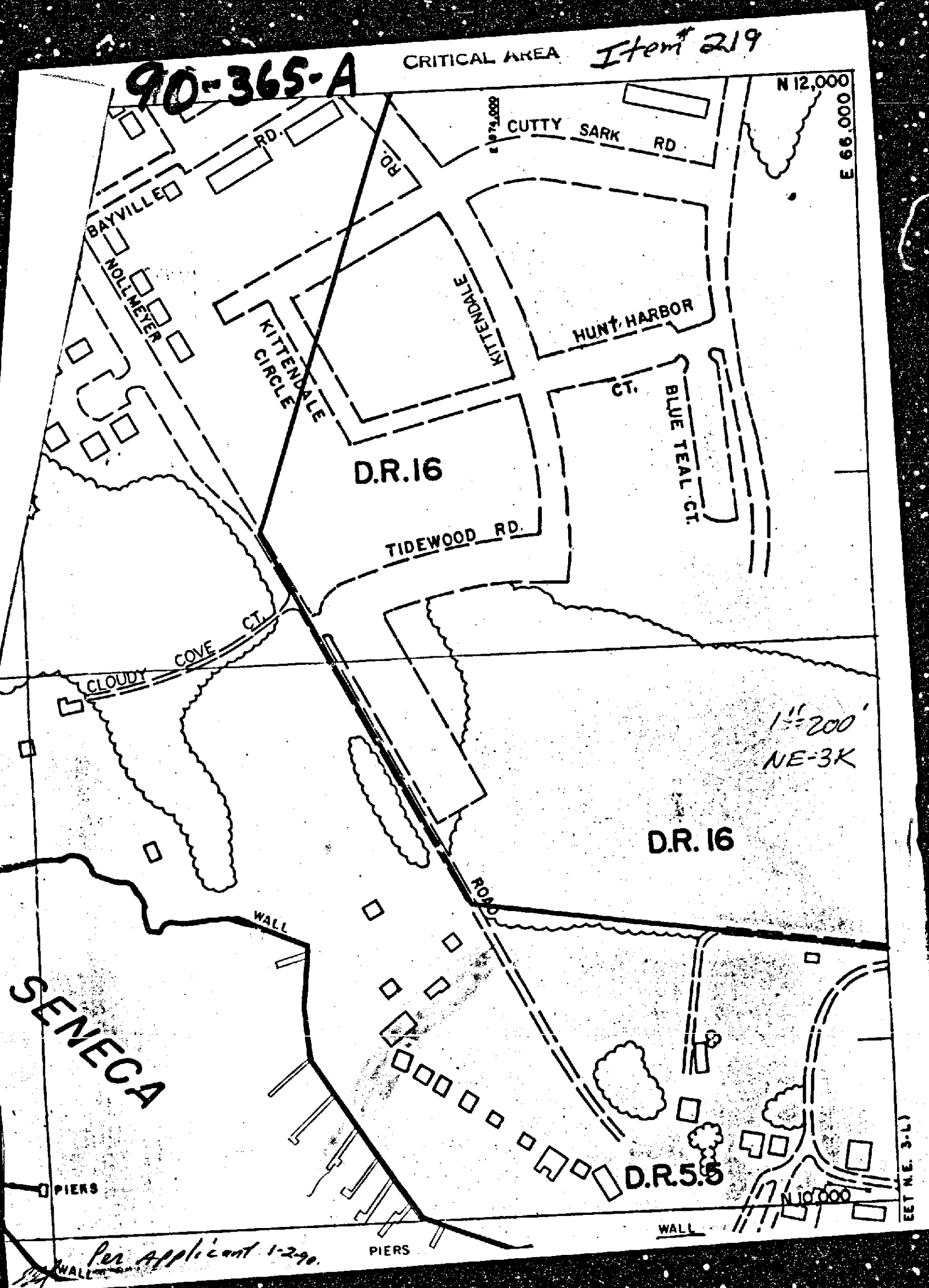
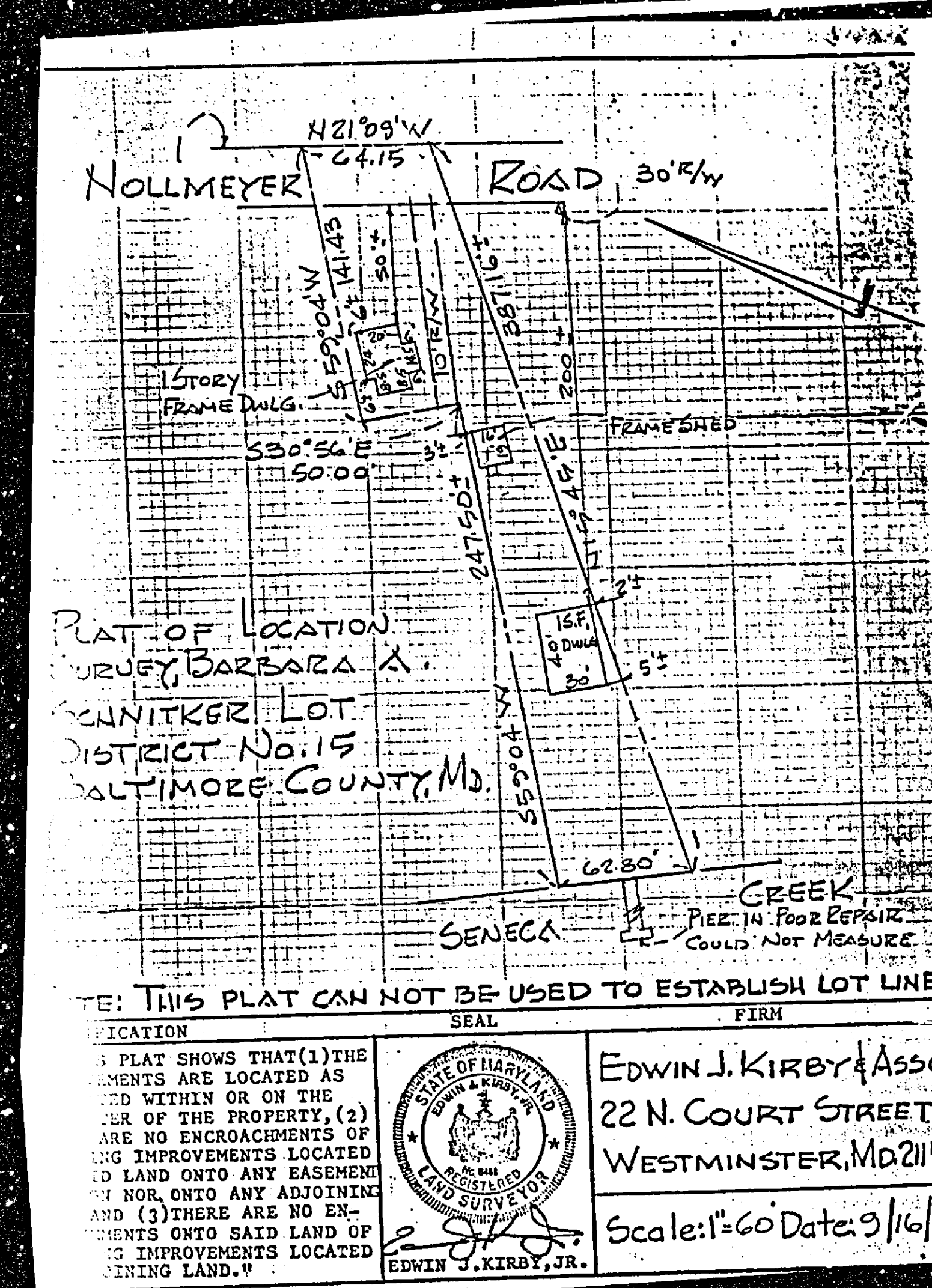
2. COMMERCIAL

3. INDUSTRIAL

4. PUBLIC

5. OTHER

THIS PERMIT MUST BE POSTED  
SEE OTHER SIDE FOR INSPECTIONS



Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

March 13, 1990

Mr. Walter S. Schmidt  
714 Nollmeyer Road  
Baltimore, MD 21220



Dennis F. Rasmussen  
County Executive

RE: Item No. 219, Case No. 90-365-A  
Petitioner: Walter S. Schmidt  
Petition for Zoning Variance

Dear Mr. Schmidt:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

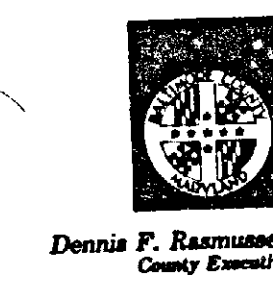
Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner



Dennis F. Rasmussen  
County Executive

Your petition has been received and accepted for filing this  
7th day of February, 1990.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

Petitioner: Walter S. Schmidt

Petitioner's Attorney:



BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner  
DATE: February 1, 1990

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Walter S. Schmidt, Item 219

The Petitioner requests a Variance to allow side yard setbacks of 6 ft. for an existing house No. 1 and 2 ft. for existing house No. 2, and to allow an accessory structure to be located in the front yard in lieu of the required rear yard.

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

FEB 07 1990

Baltimore County  
Fire Department  
700 East Joppa Road, Suite 901  
Towson, Maryland 21204-5500  
(301) 887-4500

Paul H. Reincke  
Chief

FEBRUARY 1, 1990



Dennis F. Rasmussen  
County Executive

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: WALTER S. SCHMIDT  
Location: #714 NOLLMEYER  
Item No.: 219 Zoning Agenda: FEBRUARY 6, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Jeffrey Long* 2-1-90 Noted and Approved *Paul H. Reincke*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JK/KEK

FEB 06 1990

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: March 5, 1990  
FROM: Robert W. Bowling, P.E.  
RE: Zoning Advisory Committee Meeting  
for February 6, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 157, 219, 223, 226, 227, 228, 230, 232, 233 and 234. In addition, we have no comments for Item 176-Perry Hall Square, and Item 162-Kelso Research Park.

89-471-SPHXA - Exxon Service Center is subject to County Review Group comments previously submitted on December 20, 1989.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s

MAR 11 1990

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

April 20, 1990



Dennis F. Rasmussen  
County Executive

Mr. Walter S. Schmidt  
714 Nollmeyer Road  
Baltimore, Maryland 21220

RE: PETITION FOR ZONING VARIANCE  
SW/S of Nollmeyer Road, 1490' SE of Bayville Road  
(714 Nollmeyer Road)  
15th Election District - 5th Councilmanic District  
Walter S. Schmidt - Petitioner  
Case No. 90-365-A

Dear Mr. Schmidt:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in part and denied in part in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

*Ann M. Nastarowicz*

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

AMN:bjs

cc: Chesapeake Bay Critical Areas Commission  
Tawes State Office Bldg., D-4, Annapolis, Md. 21404

DEPRM

People's Counsel

File

Ann,  
Re: Schmidt property - Item 219

Yes we do support the variance to allow a side yard setback of 6 feet for the existing house.

No we don't support the location of the shed in the waterfront yard.

Nancy Critical Areas  
x 2904



IN RE: PETITION FOR ZONING VARIANCE  
SW/S Nollmeyer Road,  
1490' SE of Bayville Road  
(714 Nollmeyer Road)  
15th Election District  
5th Councilmanic District  
Walter S. Schmidt  
Petitioner

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 90-365-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit side yard setbacks of 6 feet and 2 feet for existing House Nos. 1 and 2 in lieu of the required 50 feet, and to permit an accessory structure (shed) to be located in the front yard (waterfront) in lieu of the required rear yard, all as more particularly described in Petitioner's Exhibit 1.

The Petitioner appeared and testified. There were no Protestants. Testimony indicated that the subject property, known as 714 Nollmeyer Road, consists of 0.487 acres zoned D.R. 5.5 and is improved with two dwellings and a garage as depicted in Petitioner's Exhibit 1. Said property is located within the Chesapeake Bay Critical Areas on Seneca Creek. Petitioner commenced construction of a 9' x 16' shed approximately 6 feet from the property line on the waterfront side of the subject property without permits in September, 1989. Shortly thereafter, he was advised that a variance was necessary to locate the shed in the front yard as opposed to the rear yard and that variances from current side yard setback requirements were required for the existing houses. Petitioner subsequently filed the instant Petition to rectify the situation. Petitioner testified he purchased the subject property in 1974 and that the houses exist today as they did then, with the exception of cosmetic improvements he has made since his purchase. Petitioner testified the proposed location

for the shed is the most practical as it provides convenient storage for fishing and crabbing gear, as well as lawn and garden tools.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested for the existing dwellings sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. The dwellings existed prior to the Critical Areas legislation. There is no evidence in the record that the variances for the existing homes would adversely affect the health, safety, and/or general welfare of the public.

There is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the requested variance for the proposed shed were denied. The testimony presented by Petitioners was in support of a matter of preference rather than of the necessity for the variance. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Further, the Department of Environmental Protection and Resource Management (DEPRM) has recommended against granting the variance due to noncompliance with the Chesapeake Bay Critical Areas criteria and has indicated Petitioner could bring the shed into compliance by moving it out of the buffer area or submitting a Water-Dependent Facilities plan. Therefore, the variance requested for the shed must be denied. Petitioner has failed to prove that the shed, if permitted to remain in the proposed location, complies with the requirements of Sections 307.1, 307.2 and 500.14 of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the

relief requested shall be granted in part and denied in part.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20th day of April, 1990 that the Petition for Zoning Variance to permit side yard setbacks of 6 feet and 2 feet for existing House Nos. 1 and 2 in lieu of the required 50 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) Within sixty (60) days of the date of this Order, Petitioner shall submit a revised site plan which sets forth a zoning use line for each of the dwellings on the subject property.
- 3) When applying for any building permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Zoning Variance to permit an accessory structure (shed) to be located in the front yard (waterfront) in lieu of the required rear yard, as set forth in Petitioner's Exhibit 1, be and is hereby DENIED.

IT IS FURTHER ORDERED that the subject shed shall be relocated in compliance with the zoning regulations or removed from the premises within sixty (60) days of the date of this Order.

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

#### PETITION FOR ZONING VARIANCE CRITICAL AREA TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-365-A

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1902.3.C.1, 400.1 To allow side yard setbacks of 6 ft. for existing house #1) & 2 ft. (for existing house #2) AND to allow an accessory structure (shed) to be located in the front yard (waterfront) in lieu of the required rear yard.

Property is to be posted and advertised as prescribed by Zoning Regulations.

90 HAVE CLOSE ACCESS TO BOATING,  
FISHING, CRABING + LAWN EQUIPMENT  
HOUSES EXISTED PRIOR TO 1974 WHEN I  
PURCHASED PROPERTY

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Address

Phone No.

ORDERED BY The Zoning Commissioner of Baltimore County, this 21st day of March, 1990.

that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 21st day of March, 1990, at 9:30 a.m.

A.M.

J. Robert Haines  
Zoning Commissioner of Baltimore County

(over)

Critical Area

#### Zoning Description 90-365-A

Beginning at a point on the Southwest side of Nollmeyer Rd at a point 1,490 ft. ± Southeast of Bayville Rd. Thence running the following courses:

South 59° 04' West 141.43 ft., thence South 30° 56' East 50 ft., thence South 59° 04' West 247.50 ft., thence East 21° 01' — 62.80 ft. thence North 51° 45' East 387.16 ft., thence North 21° 09' West 64.15 ft. to the point of beginning. Containing .487 acre ±. Also known as No. 714 Nollmeyer Rd. in the 15th Election District.

#### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 15th  
Posted for: Variance  
Petitioner: Walter S. Schmidt  
Location of property: 714 Nollmeyer Rd., 1490' SE of Bayville Rd.  
Location of Sign: 714 Nollmeyer Rd., 1490' SE of Bayville Rd.  
Remark: Property of Petitioner  
Posted by: [Signature]  
Number of Signs: 1  
Date of Posting: 3/19/90  
Date of return: 3/19/90

#### CERTIFICATE OF PUBLICATION

TOWSON, MD., February 22, 1990  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Feb 22, 1990.

THE JEFFERSONIAN,

S. Zane Olson  
Publisher

NOTICE OF HEARING  
The Zoning Commission of Baltimore County, by authority of the Zoning Law of Baltimore County, will hold a public hearing on the Petition for Zoning Variance, Case No. 90-365-A, at 714 Nollmeyer Road, 1490' SE of Bayville Road, 15th Election District, 5th Councilmanic District, on Wednesday, March 21, 1990 at 9:30 a.m. in Room 106, County Office Building, Towson, Maryland 21204.

Notice of Hearing  
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#### CERTIFICATE OF PUBLICATION

Office of

#### THE AVENUE NEWS

442 Eastern Blvd.  
Baltimore, Md. 21221

THIS IS TO CERTIFY, that the annexed advertisement of Walter S. Schmidt in the matter of Petition for Zoning Variance, Case No. 90-365-A, was published in THE AVENUE NEWS, a weekly newspaper published in Baltimore County, Maryland once a week for 1 successive week(s) before the 23rd day of Feb. 1990.

that is to say, the same was inserted in the issues of Feb. 22, 1990.

The Avenue Inc.

per publisher  
By: [Signature]

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

DATE 3/5/90

Mr. Walter S. Schmidt  
714 Nollmeyer Road  
Baltimore, Maryland 21220

Re: Petition for Zoning Variance  
CASE NUMBER: 90-365-A  
5M/5 Nollmeyer Road, 1490' SE of Bayville Road  
714 Nollmeyer Road  
15th Election District - 5th Councilmanic  
District  
HEARING: WEDNESDAY, MARCH 21, 1990 at 9:30 a.m.

Dear Mr. Schmidt:

Please be advised that \$117.96 is due for advertising and posting of the above captioned property.

Account: R 001-6150  
Number: 1817

90-365

RECEIVED

3/21/90

PUBLIC HEARING FEES

QTY

PRICE

000 - POSTING SIGNS / ADVERTISING 1 X \$117.96

TOTAL: \$117.96

LAST NAME OF OWNER: SCHMIDT

Cashier Validation:

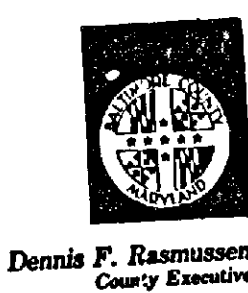
Please make check payable to: Baltimore County



Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

February 8, 1990

## NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act a., "regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
CASE NUMBER: 90-365-A  
90/5 Nollmeyer Road, 1490' SE of Bayville Road  
714 Nollmeyer Road  
15th Election District - 9th Councilmanic  
Petitioner(s): Walter S. Schmidt  
HEARING: WEDNESDAY, MARCH 21, 1990 at 9:30 a.m.

Variance to allow side yard setbacks of 8 ft. for existing house #1 and 2 ft. for existing house #2 and to allow an accessory structure (shed) to be located in the front yard (waterfront) in lieu of the required rear yard.

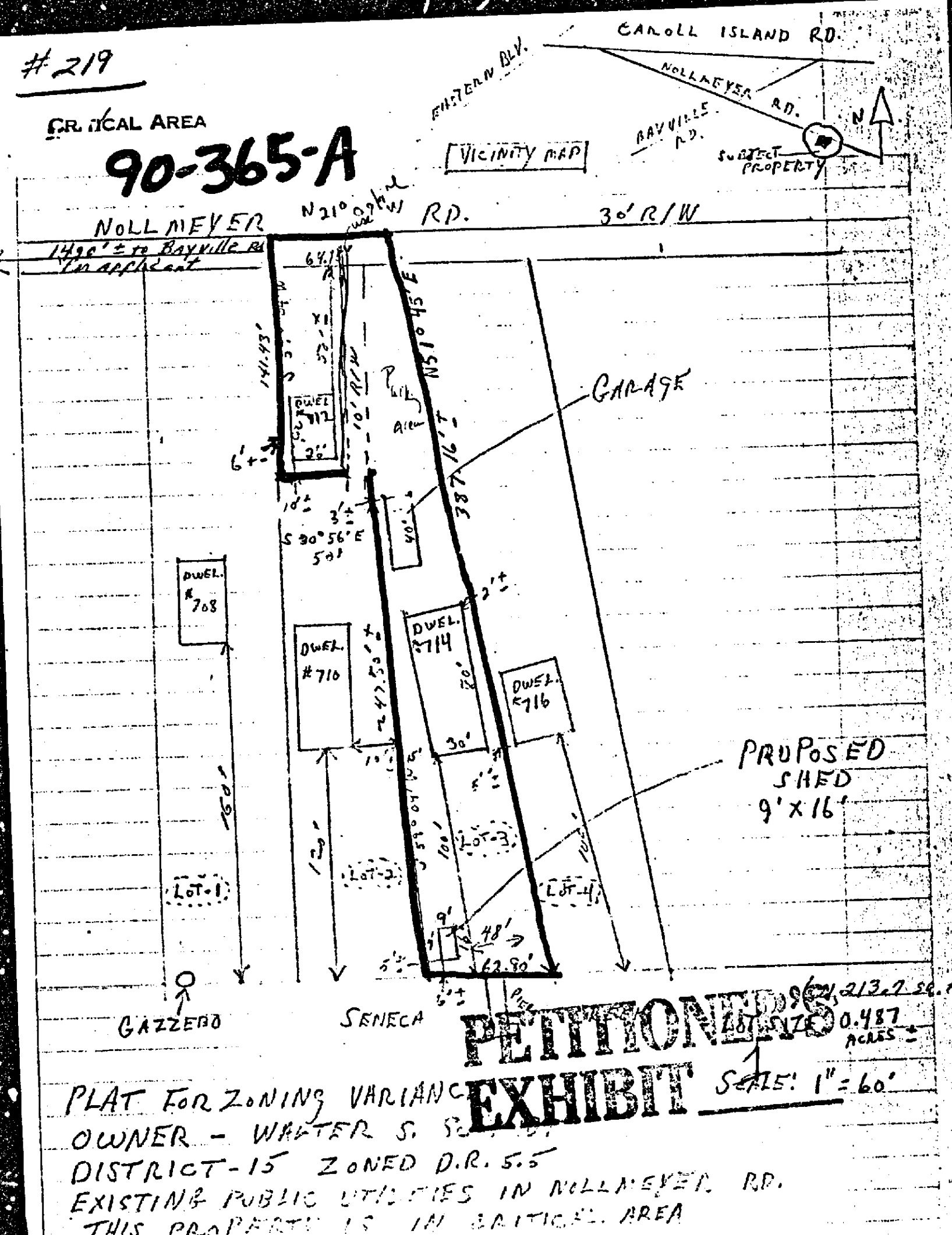
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

*J. Robert Haines*

J. ROBERT HAINES  
ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

JRH:js

cc: Walter S. Schmidt  
File



DP 3  
1/79

# Permit

NOTE: A SEPARATE PERMIT IS REQUIRED FOR ALL ELECTRICAL & PLUMBING WORK WHICH MUST BE DONE BY AN ELECTRICIAN OR PLUMBER LICENSED IN BALTIMORE COUNTY.

APPLICATION FOR PERMIT  
BALTIMORE COUNTY MARYLAND  
OFFICE OF THE BUILDING ENGINEER  
TOWSON, MARYLAND 21204

DATE: 15-19-071330

BUILDING ADDRESS: 714 NOLLMEYER ROAD

OWNER'S NAME: WALTER S. SCHMIDT

MAILING ADDRESS: 714 NOLLMEYER ROAD, 21220

DATE: 6-26-91

PERMIT NUMBER: 36940

DATE: 15-19-071330

OWNER: OWNER

TRANSFER DESCRIPTION: W/S NOLLMEYER ROAD

A. TYPE OF IMPROVEMENT

1. NEW BUILDING CONSTRUCTION

2. ADDITION

3. ALTERATION

4. REPAIR

5. WRECKING (ENTER NO. UNITS DEDUCTED)

6. MOVING

7. OTHER

B. OWNERSHIP

1. PRIVATELY OWNED

2. PUBLICLY OWNED

C. TYPE OF USE

1. RESIDENTIAL

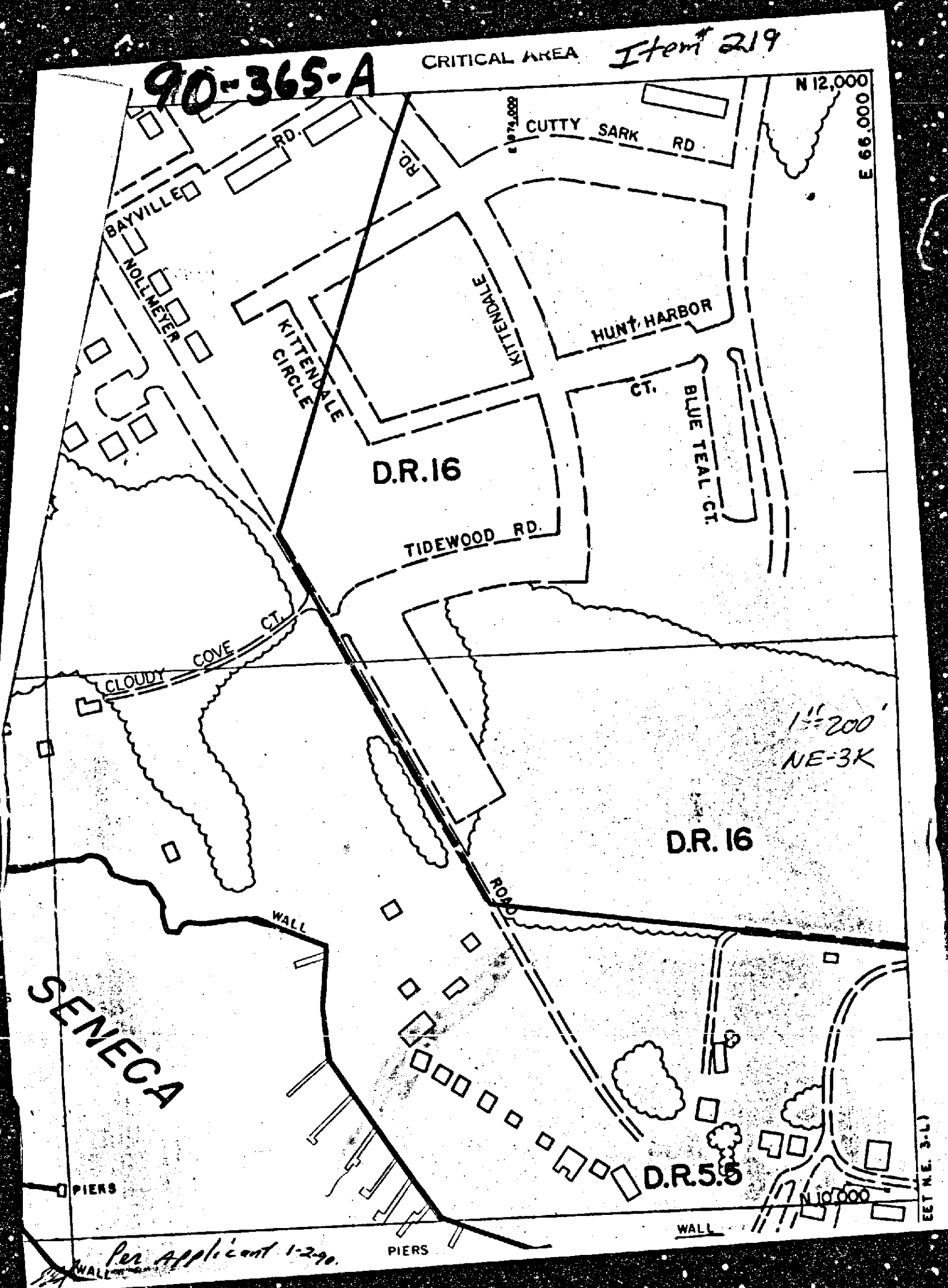
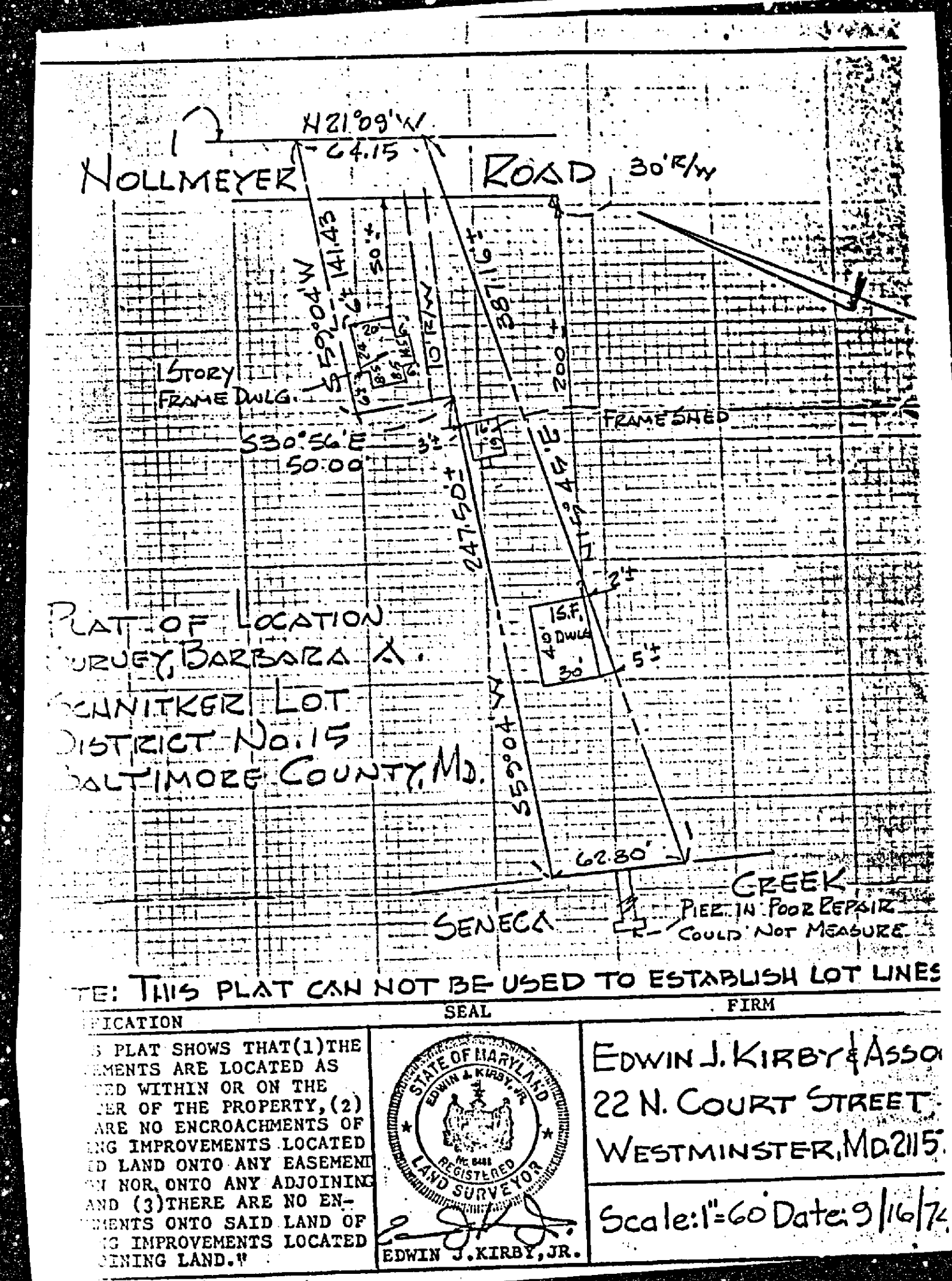
2. COMMERCIAL

3. INDUSTRIAL

4. PUBLIC

5. OTHER

THIS PERMIT MUST BE POSTED  
SEE OTHER SIDE FOR INSPECTIONS



Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

March 13, 1990

Mr. Walter S. Schmidt  
714 Nollmeyer Road  
Baltimore, MD 21220



RE: Item No. 219, Case No. 90-365-A  
Petitioner: Walter S. Schmidt  
Petition for Zoning Variance

Dear Mr. Schmidt:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

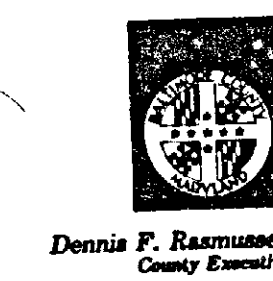
Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner



Your petition has been received and accepted for filing this  
7th day of February, 1990.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:

*James E. Dyer*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Walter S. Schmidt

Petitioner's Attorney:



BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner  
DATE: February 1, 1990

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Walter S. Schmidt, Item 219

The Petitioner requests a Variance to allow side yard setbacks of 6 ft. for an existing house No. 1 and 2 ft. for existing house No. 2, and to allow an accessory structure to be located in the front yard in lieu of the required rear yard.

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

FEB 07 1990

Baltimore County  
Fire Department  
700 East Joppa Road, Suite 901  
Towson, Maryland 21204-5500  
(301) 887-4500

Paul H. Reincke  
Chief

FEBRUARY 1, 1990



Dennis F. Rasmussen  
County Executive

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: WALTER S. SCHMIDT  
Location: #714 NOLLMEYER  
Item No.: 219 Zoning Agenda: FEBRUARY 6, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Jeffrey Long* 2-1-90 Noted and Approved *Paul H. Reincke*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JK/KEK

FEB 06 1990

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: March 5, 1990  
FROM: Robert W. Bowling, P.E.  
RE: Zoning Advisory Committee Meeting  
for February 6, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 157, 219, 223, 226, 227, 228, 230, 232, 233 and 234. In addition, we have no comments for Item 176-Perry Hall Square, and Item 162-Kelso Research Park.

89-471-SPHXA - Exxon Service Center is subject to County Review Group comments previously submitted on December 20, 1989.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s

MAR 07 1990

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

April 20, 1990



Dennis F. Rasmussen  
County Executive

Mr. Walter S. Schmidt  
714 Nollmeyer Road  
Baltimore, Maryland 21220

RE: PETITION FOR ZONING VARIANCE  
SW/S of Nollmeyer Road, 1490' SE of Bayville Road  
(714 Nollmeyer Road)  
15th Election District - 5th Councilmanic District  
Walter S. Schmidt - Petitioner  
Case No. 90-365-A

Dear Mr. Schmidt:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in part and denied in part in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

*Ann M. Nastarowicz*

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

AMN:bjs

cc: Chesapeake Bay Critical Areas Commission  
Tawes State Office Bldg., D-4, Annapolis, Md. 21404

DEPRM

People's Counsel

File

Ann,  
Re: Schmidt property - Item 219

Yes, we do support the variance to allow a side yard setback of 6 feet for the existing house.

No, we don't support the location of the shed in the waterfront yard.

Nancy Critical Areas  
x 2904